

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 21, 2005 ("*Office Action*"). Claims 1-14 were pending in the application, and the Examiner rejects all claims. Applicants amend Claims 1 and 7 and cancel Claims 11 and 13 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

I. Section 102 Rejection: *McCubbrey* Fails to Anticipate Claims 1 and 7.

The Examiner rejects Claims 1 and 7 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,860,375 issued to McCubbrey et al. ("*McCubbrey*"). As presently amended, Applicants' independent Claims 1 and 7 incorporate limitations substantially similar to previously submitted dependent Claims 11 and 13 (now canceled).

The Examiner agrees that *McCubbrey* fails to describe, expressly or inherently, every element as presented in currently amended Claims 1 and 7, and, thus, Applicants respectfully submit that the 102 Rejection based on *McCubbrey* has been obviated. Applicants address amended Claims 1 and 7 below with respect to the outstanding rejection against previously submitted dependent Claims 11 and 13.

II. Section 103 Rejections:

A. The *Hollingsworth-Ferrel* Combination Fails to Teach or Suggest Claims 1-10, 12, and 14.

The Examiner rejects Claims 1-10, 12 and 14 under 35 U.S.C. § 103(a) as unpatentable over Workflow Management Coalition the Workflow Reference Model, Hollingsworth D., TC00-1003, Jan. 95 ("*Hollingsworth*") in view of U.S. Patent No. 5,907,837 issued to Ferrel, et al. ("*Ferrel*"). As noted above, Applicants' amended, independent Claims 1 and 7 incorporate limitations substantially similar to previously submitted dependent Claims 11 and 13.

The Examiner agrees that the *Hollingsworth-Ferrel* combination fails to teach or suggest all limitations presented in currently amended Claims 1-10, 12 and 14, and, thus, Applicants respectfully submit that the 103 Rejection based on the *Hollingsworth-Ferrel* combination has been obviated. Applicants address Claims 1-10, 12 and 14 below with

respect to the outstanding rejection against previously submitted dependent Claims 11 and 13.

B. The *Hollingsworth-Ferrel-Belanger* Combination Fails to Teach or Suggest Claims 11 and 13. Thus, Claims 1-10, 12, and 14, as Amended, Are Patentable Over the *Hollingsworth-Ferrel-Belanger* Combination.

As noted above, Claims 1-10, 12 and 14 incorporate limitations substantially similar to dependent Claims 11 and 13, which Applicants now cancel. The Examiner rejects the previously submitted limitations of Claims 11 and 13 under 35 U.S.C. 103(a) as unpatentable over the combination of *Hollingsworth*, *Ferrel*, and U.S. Patent No. 6,628,824 issued to Belanger ("*Belanger*"). Applicants respectfully traverse these rejections on the ground that *Hollingsworth*, *Ferrel*, and *Belanger*, whether taken alone or in combination, fail to teach or suggest all limitations of the claims. Consider Claim 1, which, as amended, recites:

A method, comprising the steps of:
providing a set of predetermined function definitions which are different, at least one of said predetermined function definitions defining a function for editing image data;
storing a project definition that is operable when executed to edit said image data and which includes: a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition; a further portion which includes a source portion identifying a data source and defining an output port through which said image data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which said image data can be supplied to the data destination; and binding information which includes binding portions that each associate a respective said input port with one of said output ports;
executing said project definition; and
automatically transmitting a communication to a remote device through a communication link after editing said image data during execution of said project definition, wherein transmitting said communication occurs after editing a predetermined number of images.

Among other aspects, the *Hollingsworth-Ferrel-Belanger* combination fails to teach or suggest "automatically transmitting a communication to a remote device through a communication link after editing said image data during execution of said project definition,

wherein transmitting said communication occurs after editing a predetermined number of images,” as required by Claim 1, as amended.

Addressing similar claimed aspects (with respect to previously submitted Claim 11), the *Office Action* points to *Belanger*, column 9, lines 22-42 and states:

Belanger teachings in the field of endeavor of automated processing of data, teaching a notification feature including transmitting a communication (col 9/lines 32-42), including notifying after processing a predetermine number of image data (col 9/lines 22-31). [sic]

(*Office Action*, pg. 6). These cited portions of *Belanger*, however, discuss responding to a possible duplicate image. *Belanger* teaches that, after discovering a possible duplicate image, a secondary comparison can be performed: “[f]or example, a possible duplicate image can be reloaded to the computer and compared to the reference image using pattern matching, quadrant frequency, usage counts, or any other applicable method.” (*Belanger*, col. 9, lines 27-30). This fails to teach or suggest “automatically transmitting a communication to a remote device through a communication link after editing said image data during execution of said project definition, wherein transmitting said communication occurs after editing a predetermined number of images,” as required by claim 1, as presently amended.

Hollingsworth and *Ferrel* fail to cure the deficiencies of *Belanger*. As the Examiner notes in the *Office Action*, these references fail to teach or suggest “where the condition includes a predetermined number of images.” (*Office Action*, pg. 6).

Applicants thus respectfully submit that *Hollingsworth*, *Ferrel*, and *Belanger*, whether taken alone or in combination, fail to teach or suggest, “automatically transmitting a communication to a remote device through a communication link after editing said image data during execution of said project definition, wherein transmitting said communication occurs after editing a predetermined number of images,” as required by Claim 1. Likewise, independent Claim 7 includes limitations that, for substantially similar reasons, are not taught or suggested by the references. Because the *Hollingsworth-Ferrel-Belanger* combination fails to teach or suggest every element of independent Claims 1 and 7, Applicant respectfully requests reconsideration and allowance of Claims 1 and 7, and their respective dependent claims.

III. Section 101 Rejections: Claim 1 Is Directed to Statutory Subject Matter

The Examiner rejects Claim 1 under 35 U.S.C. 101 as directed to non-statutory subject matter. The *Office Action* states, “The method claim 1 do [sic] not seem to be described as being implemented in any tangible and/or limited to any tangible embodiment(s) (e.g. hardware components).” (*Office Action*, pg. 7). Applicants respectfully traverse this rejection.

The Board of Patent Appeals and Interferences recently confirmed that methods or processes, such as that recited in independent Claim 1, are patentable subject matter. “[A]ll that is necessary, in our view, to make a sequence of operational steps a statutory ‘process’ within 35 U.S.C. § 101 is that it be in the technological arts so as to be in consonance with the Constitutional purpose to promote the progress of ‘useful arts.’ Const. Art. 1, sec. 8.” *Ex Parte Lundgren*, Appeal No. 2003-2088, 2004 WL 3561262 (Bd. Pat. App. & Interf., April 20, 2004) (citing *In re Musgrave*, 431 F.2d 882, 893, 167 U.S.P.Q. 280, 289 (CCPA 1970)).

Thus, Applicants respectfully submit that Claim 1 is directed to statutory subject matter. Because Claim 1 is directed to statutory subject matter, Applicants respectfully request reconsideration and allowance of Claim 1.

IV. Non-Statutory Double Patenting Rejection

The Examiner rejects Claim 1 of the present application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,850,956 issued to Knutson (“*Knutson*”) in view of *Ferrel*. Accompanying this response, Applicants submit the attached Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome this rejection. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Kurt M. Pankratz, Attorney for Applicants, at the Examiner's convenience at (214) 953-6584.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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